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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/871,697
Filing Date: June 04, 2001
Appellant(s): YOKO ET AL.

Robert T. Burns, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 3, 2009 appealing from the Office action mailed October 6, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

USPN 6,895,403	Cardwell et al	May 2005
Selling by Objective	Institutional Distribution	May 1984

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell et al (USPN 6,895,403), in view of Selling by Objective (May 1984).

As per claim 30, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in

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a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e., allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and arbitrarily selecting any one or more from said four axes simultaneously (i.e., critical measures are determined based upon executives determination of the business priorities, column 6, lines 39-42); and displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target (i.e., selection of

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an account, i.e., Market Share in Garfield County, including a table of critical measures, wherein performance results are ranked based upon current, minimum, meets and exceeds data, figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (§ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, §§ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (§ 20).

As per claim 31, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e.,

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allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and arbitrarily selecting any one or more from said four axes simultaneously (i.e., critical measures are determined based upon executives determination of the business priorities, column 6, lines 39-42); and displaying a table of said initial target and/or said actual performance along the arbitrarily and simultaneously selected axis or axes on the local and/or remote terminal, wherein said initial target is ranked and sorted by value of the initial target (i.e., selection of an account, i.e., Market Share in Garfield County, including a table of critical measures, wherein performance results are ranked based upon current, minimum,

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meets and exceeds data, figure 1), and managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one threshold having at least one step, and displaying them on the local or remote terminal (i.e., each measure is tracked, wherein the current is compared to minimum, meets and exceeds, so executives can quickly track the issues, column 6, lines 47-50 and figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (§ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, §§ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (§ 20).

As per claim 32, Cardwell et al disclose the step of managing a sales achievement further comprises; changing a display style of said initial target and/or said actual performance based on said comparison and displaying them on the local

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and/or remote terminal (i.e., financial performance results, including current, minimum, meets, and exceeds, Example A and figure 1).

As per claim 33, neither Cardwell et al nor SBO explicitly disclose said actual performance further comprises a progress code, expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed', and managing progress by displaying the said actual performance based on the said progress code and/or any one of said four axes on the local and/or remote terminal. However, this terminology is old and well known in project management, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed' in Cardwell et al, as an effective means of determining performance status.

As per claims 34 and 35, Cardwell et al disclose altering said initial target based on said actual performance and/or business trend (i.e., executive can view the organizational chart and decide to change one of the business priorities, column 12, lines 33-41).

Claims 24-29 are rejected based upon the rejection of claims 30-35, respectively, since they are the system claims corresponding to the method claims.

(10) Response to Argument

In the Appeal Brief, Appellant argues that 1) neither Cardwell nor SBO teach or suggest a multi-dimensional matrix, 2) neither Cardwell nor SBO teach or suggest

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four inter-related axes that communicate horizontally and vertically with each of the other four axes, and 3) neither Cardwell nor SBO teach arbitrarily and simultaneously selected axes.

With respect to Argument 1, the Examiner respectfully disagrees. Cardwell et al disclose determination of the business purpose and strategy for the organization, including multiple critical measures axes (column 5, lines 19-23 and figure 1). Moreover, Cardwell et al disclose providing multiple layers of an organization, including creation of a data table with multiple objectives and goals (column 2, lines 20-25), wherein a plurality of informational databases may be created with open access to and between the plurality of databases (column 2, lines 37-45). In addition, Cardwell et al disclose allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization (column 11, lines 62-67). As such, Cardwell et al indeed disclose a multi-dimensional matrix.

With respect to Argument 2, the Examiner respectfully disagrees. First, the Examiner notes that as seen in Appellant's specification (¶¶ 0079-0086), the axes are merely selected, manipulated, and displayed from a database. Similarly, Cardwell et al disclose allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task

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is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization (column 11, lines 62-67). In addition, figures 1-3 include selection of an account, i.e., Market Share in Garfield County, including inter alia, a table of business priorities, critical measures, deliverables, and business priorities.

With respect to Argument 3, the Examiner respectfully disagrees. First, Cardwell et al disclose the determination of the scope at upper management and critical measures determined based upon executives' determination of the business priorities (column 6, lines 26-42). Moreover, Cardwell et al disclose the critical performance measures are a list of targets that need to be achieved, including subcategories, wherein each measure and submeasure is tracked (column 6, lines 42-51). In addition, figures 1-3 include selection of an account, i.e., Market Share in Garfield County, including inter alia, a table of business priorities, critical measures, deliverables, and business priorities. As such, Cardwell et al indeed disclose arbitrarily selecting any one or more from said four axes simultaneously.

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11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Andre Boyce/
Primary Examiner, Art Unit 3623

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